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Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC.,

Plaintiff/Counterdefendant,

v.

NETWORK APPLIANCE, INC.,
Defendant/Counterplaintiff.

CASE NO. C-07-05488 EDL

**STIPULATION AND [PROPOSED]
ORDER MODIFYING DATES FOR
HEARINGS ON MOTIONS FOR
SUMMARY JUDGMENT**

WHEREAS, during the August 19, 2009 hearing on Sun Microsystems, Inc.'s ("Sun") motion to modify the -5488 case schedule, the parties agreed that the hearings on the motions for summary judgment in the -5488 action would be scheduled for January 13, 2009 and January 27, 2009;

WHEREAS, on August 31, 2009, the Court issued an Order following the August 19, 2009 hearing and scheduled the hearings on the motions for summary judgment in the -5488 action for January 20, 2009 and January 27, 2009.

1 WHEREAS, lead trial counsel for Sun is unavailable during the week of January 18, 2009
2 due to an already scheduled arbitration;

3 THEREFORE, IT IS HEREBY STIPULATED by Sun and NetApp that the hearings on
4 the motions for summary judgment in the -5488 action be scheduled for January 14, 2009 and
5 January 27, 2009, subject to the Court's availability.
6

7 Dated: September 4, 2009

8 DLA PIPER LLP (US)

9 /s/ Christine K. Corbett

10 MARK D. FOWLER
11 CHRISTINE K. CORBETT

12 Attorneys for Plaintiff,
13 Sun Microsystems, Inc.

14 Dated: September 4, 2009

15 WEIL, GOTSHAL & MANGES LLP

16 /s/ Jill J. Ho

17 JILL J. HO

18 Attorneys for Defendant,
19 NetApp, Inc.

20
21 **IT IS SO ORDERED.**

22
23 Dated: September 8, 2009

